

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 10/520,495 Confirmation No.: 9871
Applicant(s): COSTA, Fulvio et al.
Filed: January 5, 2005
TC/A.U. 1792
Examiner: EMPIE, Nathan H.
Title: SOL-GEL PROCESS FOR THE PREPARATION OF VITREOUS FILMS
POSSESSING HIGH ADHESION PROPERTIES AND STABLE
COLLOIDAL SOLUTIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

LETTER TO EXAMINER
ACCOMPANYING PAYMENT OF ISSUE FEE

In the Notice of Allowability there was indicated by the Examiner the following:

*The oath or declaration is defective because:
It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.*

The indication that a new declaration is considered required is respectfully traversed. That is, the present Application represents a PCT National Stage filing for which a declaration under PCT Rule 4.17(iv) was filed in conjunction with the PCT application filing. Further, the declaration was (a) confirmed as being received during the international stage (as shown by the reference to it in the cover sheet of the corresponding PCT Publication WO 2004/007384) and (b) was additionally confirmed as being acceptable by the USPTO as evidenced by the reference to a declaration having been received in the July 7, 2003 "Notice of Acceptance of Application Under 35 USC 371".

As stated in MPEP 1893.01(e), which describes declarations filed under PCT Rule 1.47(iv) during the PCT International stage:

In general, the requirement for an oath or declaration in compliance with 37 CFR 1.497(a)-(b) will have been previously satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was submitted within the time limits provided in PCT Rule 26ter.1 in the international phase.

As the requirements under PCT Rule 1.47(iv) have been satisfied in this case, the requirement for a new declaration is submitted to be in error. Thus, withdrawal of the requirement for a Supplemental Declaration is respectfully requested.

Respectfully submitted,
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